

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

|  |   |                             |
|--|---|-----------------------------|
| (1) WESLEY LEWIS, an individual resident         | ) |                             |
| of Tulsa County, Oklahoma, and a participant     | ) |                             |
| in the American Electric Power System            | ) |                             |
| Comprehensive Medical Plan,                      | ) |                             |
|  | ) |                             |
| Plaintiff,                                       | ) |                             |
| v.   | ) |                             |
|  | ) |                             |
| (2) THE AMERICAN ELECTRIC POWER                  | ) |                             |
| SYSTEM COMPREHENSIVE MEDICAL                     | ) |                             |
| PLAN, an ERISA-qualified employee welfare        | ) |                             |
| benefit plan, and                                | ) |                             |
| (3) AMERICAN ELECTRIC POWER                      | ) | No. <u>22-CV-264-GKF-SH</u> |
| SERVICE CORPORATION, a foreign (non-             | ) |                             |
| Oklahoma) business entity registered to do       | ) |                             |
| business in the State of Oklahoma and Plan,      | ) |                             |
| and,   | ) |                             |
| (4) ANTHEM HEALTH PLANS, INC. d/b/a              | ) |                             |
| ANTHEM BLUE CROSS AND BLUE                       | ) |                             |
| SHIELD, a foreign (non-Oklahoma) business        | ) |                             |
| entity registered to do business in the State of | ) |                             |
| Oklahoma and Claims Administrator and Plan       | ) |                             |
| Fiduciary of the American Electric Power         | ) |                             |
| System Comprehensive Medical Plan,               | ) |                             |
|  | ) |                             |
| Defendants.                                      | ) |                             |

**NOTICE OF REMOVAL**

Defendants The American Electric Power System Comprehensive Medical Plan and American Electric Power Service Corporation (the “AEP Defendants”), in accordance with 28 U.S.C. §§1331, 1441, and 1446, remove this action from the District Court of Tulsa County, Oklahoma (where it was filed as Case No. CJ-2022-1545) to the United States District Court for the Northern District of Oklahoma. As the grounds for removal, the AEP Defendants state as follows:

1. On May 20, 2022, Plaintiff filed suit against the AEP Defendants in Tulsa County District Court. The case was assigned Case No. CJ-2022-1545 (“State Court Action”).

2. The Complaint in the State Court Action was received by mail on or about May 31, 2022, by American Electric Power Service Corp. A true and correct copy of the Complaint in the State Court Action as received is attached as Exhibit 1.

3. No answer or entry of appearance has been filed by the AEP Defendants in the State Court Action.

4. No answer or entry of appearance has been filed by the other named Defendant in the State Court Action.

5. This Court has original jurisdiction over this action pursuant to 28 U.S.C. §1331, as it involves a federal question (Plaintiff alleges Defendants violated the Employee Retirement Income Security Act (“ERISA”), 29 U.S.C. § 1001 *et. seq.* The action may be removed to this Court by the AEP Defendants pursuant to 28 U.S.C. §§1441 and 1446.

6. Removal of this action from Tulsa County District Court to this Court is, therefore, proper under 28 U.S.C. §1441 because this Court would have had original jurisdiction of the action under 28 U.S.C. §1331 had the action been initially filed in this Court.

7. This Notice of Removal is timely filed pursuant to 28 U.S.C. §1446(b) because it is filed within thirty days of the AEP Defendants’ receipt of the State Court Action on or about May 31, 2022, and within one year of the commencement of the State Court Action.

8. Written notice of filing of this Notice of Removal will be given to Plaintiff through his counsel in the State Court Action. Also, as required by 28 U.S.C. §1446(d), a copy of this Notice will be filed with the Clerk of the Tulsa County District Court, the court in which the State Court Action was filed.

9. In accordance with 28 U.S.C. §1446(a) and LCvR 81.2, a copy of all documents filed or served on the AEP Defendants in the State Court Action at the time of this removal are attached at Exhibit 1.

10. In accordance with LCvR 81.2, a copy of the docket sheet in the State Court Action, current through the date of this filing, is attached at Exhibit 2.

11. No motions are currently pending in the State Court Action.

WHEREFORE, the AEP Defendants remove the State Court Action now pending in Tulsa County District Court, to proceed in this Court from this day forward as an action duly removed.

Respectfully submitted,

DOERNER, SAUNDERS, DANIEL  
& ANDERSON, L.L.P.

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***Attorneys for Defendants The American Electric  
Power System Comprehensive Medical Plan, and  
American Electric Power Service Corporation***

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on June 21, 2022, a true and correct copy of the above and foregoing instrument was:

- ☒ mailed with postage prepaid thereon;
- ☐ mailed by certified mail, Return Receipt No. \_\_\_\_\_;
- ☐ transmitted via e-mail;
- ☐ transmitted via facsimile; or
- ☐ hand-delivered;

to:

James W. Dunham, Jr.  
2800 Bank of America Center  
15 West 6<sup>th</sup> Street  
Tulsa, OK 74119

*s/Jon E. Brightmire*  
Jon E. Brightmire

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